IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7190 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AKHIL GUJARAT VIJKAMDAR SANGH - Petitioner(s)

Versus

STATE OF GUJARAT , LABOUR AND EMPLOYMENT DEPTT & 1 - Respondent(s)

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Appearance :

NOTICE NOT RECD BACK for Petitioner(s) : 1,
MR LB DABHI, AGP for for Respondent(s)

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 09/12/2005

ORAL JUDGMENT

1. The petitioner, namely, Akhil Gujarat Vidhyut Kamdar Sangh, has filed this petition under

Articles – 226 and 227 of the Constitution of India, praying for the directions to the respondent No.1 by way of remand and to reconsider the petitioner's demand in view of settled legal position or to make the reference to the Industrial Tribunal.

2. It is the case of the petitioner that on behalf of all the workmen working in the respondent No.2 Board i.e., Gujarat Electricity Board, the petitioner Union had raised industrial dispute by giving a strike notice dated 19.7.1990. The conciliation proceedings were started as per Section 20 of the I.D.Act, 1947. The petitioner union filed justification on 19.9.1990. The nature of demand was that except petitioner union no other union will be called in L.C.C. meeting because other union have not 15% membership. The G.E.B., had also filed objection on 23.10.1990. The G.E.B., had

not participated in the conciliation proceedings and remained absent. Ultimately Conciliation Officer submitted failure report as per Section 12(4) of the I.D. Act, 1947., to the respondent No.1 on 10.1.1991. On the basis of the said report, the respondent No.1 has exercised its power as per Section 12(5) of the I.D.Act, 1947, not to refer the said matter for adjudication to the Industrial Tribunal vide its order dated 12.3.1991 on the ground that it was administrative decision, which could be interfered with and it was also not found to be reasonable.

3. Being aggrieved by the said decision, the present petition is filed by the petitioner union invoking writ jurisdiction of this Court under Articles 226 and 227 of the Constitution of India.

4. The petition was admitted on 7.10.1991. The learned advocate who filed this petition on behalf of the petitioner union was later on elevated to the Bench of this Court. Hence fresh rule was issued by this Court on 5.7.2005. It appears that the rule has not been received back. It appears to the Court that the petitioner Union is not interested in pursuing the matter as it has not inquired about the out come of the present petition after filing the petition in the year 1991. Even otherwise, looking to the nature of the issue raised in the present petition it appears to the Court that the grievance may not survive because of efflux of time.

5.The petition is, therefore, disposed off as having become infructuous by passage of time. It is, however, clarified that if the petitioner is still having any grievance about

the issue raised in the present petition, it is open for the petitioner to approach this Court in case of any difficulty or if need so arises in future as the Court has not gone into the merits of the matter.

6. Subject to the aforesaid observation, this petition is accordingly disposed off. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

kks